

Serial No. 10/687,474

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JUL 20 2007REMARKS

I. INTRODUCTION

In response to the Office Action dated June 15, 2007, claims 1 and 8 have been amended. Claims 1-14 remain in the application. Entry of these amendments, and re-consideration of the application, as amended, are respectfully requested.

II. CLAIM AMENDMENTS

Applicants' attorney has made amendments to the claims as indicated above. These amendments were made solely for the purpose of clarifying the language of the claims, and were not required for patentability or to distinguish the claims over the prior art.

III. OBJECTIONS TO THE SPECIFICATION

In paragraph (2) of the Office Action, the Specification was objected to under 35 U.S.C. 132(a) as introducing new matter into the disclosure. Specifically, the Office Action points to the added material as being: A plurality of games stored on the set top box (STB).

Applicants respectfully traverse the objection in light of paragraphs [0030] through [0036], and specifically, in paragraph [0030], "The questions and gaming application for playing the trivia game reside in the user's STB 22. The user may then interactively review the questions and provide answers via the STB 22. Questions are then asked and answers evaluated from the STB 22." and in paragraph [0036], "the screen 28 allows the user to pick any number of games to be provided."

Applicants respectfully point out that for the questions and answers to be evaluated from the STB 22, and that the screen 28 allows the user to pick from a number of games, that plurality of games must be stored in the STB. Applicants respectfully request that the objection be withdrawn.

IV. NON-ART REJECTIONS

Claims 1 and 8 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the written description requirement.

Applicants have amended the claims to clarify the language of the claims to render the rejection moot.

Serial No. 10/687,474

V. PRIOR ART REJECTIONS

In paragraphs (11)-(13) of the Office Action, claim 8 was rejected under 35 U.S.C. §103(a) as being obvious in view of NTN Communications Inc 10-K SEC Filing of March 6, 2002 (NTN). In paragraphs (14)-(25) of the Office Action, claims 9-11 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN, Walker, U.S. Patent 5,779,549 (Walker) and Weitz, U.S. Publications 2003/0171148 (Weitz). In paragraphs (26)-(36) of the Office Action, claims 1, 2, 12 and 13 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN and Junkin, U.S. Patent 6,193,610 (Junkin). In paragraphs (37)-(43) of the Office Action, claims 4-7 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN, Junkin and Walker. In paragraphs (44)-(50) of the Office Action, claims 3 and 14 were rejected under 35 U.S.C. §103(a) as being obvious in view of the combination of NTN, Junkin and Crockett et al., U.S. Publication 2004/0039631.

Applicants respectfully traverse these rejections.

The NTN Reference

The NTN reference describes a system that develops and produces original programming and distributes game programming. The NTN system can provide up to 16 live events for interactive play, allowing distribution of different programs to customers in different geographical locations. See Page 4, first full paragraph.

The NTN network broadcasts a variety of sports and interactive trivia games. The games are broadcast live, at specified times, and during live sporting contests when the NTN game corresponds to the live sporting contest. See Page 2, last full paragraph-page 3, second full paragraph.

The NTN network also broadcasts 30 minute general interest trivia games that start on the half-hour. Further, the NTN network allocates 14 minutes each hour for advertising spots. See Page 3, third and sixth paragraphs.

Serial No. 10/687,474

The Walker Reference

The ancillary Walker merely describes a method and a system for a distributed electronic tournament system in which many remotely located players participate in a tournament through input/output devices connected to a central controller which manages the tournament. The method includes the steps of (a) uniquely identifying a player communicating with the central controller via an associated input/output device; (b) responding to payment of an entry fee by the player for allowing the player to participate in a tournament occurring within a fixed time window via an associated input/output device; (c) accessing a database to store in the database player information that is generated as the player participates in the tournament, such information being available for use in a subsequent tournament, which is administered by said controller and in which the player participates; and (d) awarding the player a prize for achieving a pre-established performance level in the tournament. In another preferred embodiment, the method further includes the steps of determining whether the player has been qualified to advance to a subsequent game session, in which at least one player is eliminated from the previous game session; and permitting each player qualified to a subsequent game session to participate in that game session. The system includes software and hardware to implement the method steps.

The Weitz Reference

The ancillary Weitz reference merely describes a generic cross-broadcast system for providing games on interactive television networks comprising an administration machine, a cross-broadcast real-time upload means operative to interact with said administration machine and to provide continuous real-time updating to a plurality of carousel servers residing in one or more headends, a generic game server used for managing on-going online games, and a database server for keeping game related information. The cross-broadcast real-time upload means renders the operation or choice of a particular carousel server transparent to an operator of the system or to a programmer of the game server application.

The Junkin Reference

Junkin merely describes an interactive apparatus and method that allows participants to compete in an interactive game, such as a contest or sporting event, occurring in real time or as a taped broadcast of a real time event. The event with which the participant may interact is broadcast live or previously taped but not aired. At home, participants can play along with the broadcast on a

Serial No. 10/687,474

real time basis as a previously taped segment of the television show is aired. Interactive play may be accomplished by access to an on-line version of the game while the corresponding game show airs live or is rebroadcast to the participant for the first time on television.

The Crockett Reference

Crockett merely describes a software based tool that provides an assessment of an organization's customer relationship management capabilities. The tool can, in some cases, assign scores to customer relationship management capabilities in response to receipt of input from a user. An assessment is provided of the customer relationship management capabilities based on the scores assigned to the customer relationship management capabilities.

The Claims are Patentable Over the Cited References

Independent claims 1 and 8 are generally directed to methods and systems for interactive gaming on a television. A system in accordance with the present invention comprises a central broadcast center transmitting signals over a first communications network, a gaming system comprising a gaming application residing within the central broadcast center, a plurality of receivers which receive the gaming application via the first communication network, a plurality of games accessible through the gaming application at a time elected by a user of the gaming application, wherein the gaming application and the plurality of games are stored at the plurality of receivers, and a scoring protocol associated with the plurality of games, where the scoring protocol provides real time scoring data transmitting from the plurality of receivers back to the gaming system via a second communication network.

The cited references do not teach nor suggest these various elements of Applicants' independent claims. Specifically, the cited references do not teach nor suggest at least the limitation of a plurality of games accessible through the gaming application at a time elected by a user of the gaming application as recited in the claims of the present invention.

Regarding the Office Action's assertions that it would have been obvious to store the NTN games at a STB, Applicants respectfully disagree. The nature of the NTN system is a live-broadcast system, which is circumvented by storing the broadcast at the plurality of receivers. However, to further distinguish the claims of the present application from the NTN system, Applicants have amended the claims to render the rejections moot.

Serial No. 10/687,474

Discussion

As discussed in the response to the previous Office Action, the primary NTN reference is, in essence, a viewer channel that broadcasts games to those receivers that are equipped to receive the NTN network broadcast signal. These games are necessarily live, real-time games; they are not stored locally on any receiver or any other device, because to do so would be to eliminate the 14 minutes of advertising time, live interaction games between different locations, etc.

The NTN reference actually teaches away from storing any gaming application or specific games at the local receiver, because to store the gaming application and/or individual games at a local receiver would eliminate the advertising time and live broadcasts that the NTN network transmits. As such, the NTN reference cannot teach storing the gaming portal and the games at the local receiver as recited in the claims of the present invention.

Further, because the games are not stored in the NTN network, users of the NTN system must play the games when they are broadcast, not at a time of their choosing. If the game is broadcast at 6 pm local time, that is when the game in the NTN network must be played, and when the user's scores must be submitted.

However, in the present system, a user can initiate the gaming application (which comprises the games) at a time elected by the user, as discussed in the specification as filed in at least paragraphs [0032], [0036], and [0037]. For example, users that may have played the same game several weeks prior to the user are eligible for prizes along with the current user (see paragraph [0032]); scores are already present for other users that have previously entered their score (which means the other users played the same game at a prior time; see paragraph [0036]), and the user elects to play a particular game from the portal screen 28 (see paragraphs [0036] and [0037]). Further, a user may decide not to enter their score (see paragraph [0040]).

None of this claimed functionality is taught by the NTN reference, because, again, NTN is a live-broadcast system. Storage and later retrieval of the NTN broadcasts is not discussed in the NTN reference.

The remaining ancillary references do not remedy the deficiencies of the primary NTN reference. Specifically, the Walker, Weitz, Junkin, and Crockett references do not teach nor suggest storing the gaming application and the games at the receiver, nor do these ancillary references teach or suggest a plurality of games accessible through the gaming application at a time elected by a user of the gaming application.

Serial No. 10/687,474

Even if it were possible to combine the references, since the NTN reference teaches away from storing the gaming portal and games at the receiver, any combination of the references would also teach away from Applicants' invention. For example, the combined NTN and Junkin references would teach a system that performs a live broadcast of a game and allows for a weighted statistic based on a difficulty of that statistic or an on-line version of the game simultaneous with the televised event. The present invention does not rely on a live broadcast, or on an online simultaneous transmission, as the NTN/Junkin system must do, to provide the gaming experience to viewers.

Moreover, the various elements of Applicants' claimed invention together provide operational advantages over NTN, Walker, Weitz, Junkin, and Crockett. In addition, Applicants' invention solves problems not recognized by NTN, Walker, Weitz, Junkin, and Crockett. For example, and not by way of limitation, the gaming portal can be updated with new questions periodically without rebroadcasting the game itself (as discussed in paragraph [0031] of the specification as filed). The NTN and the ancillary references cited in the Office Action must, as a matter of necessity, rebroadcast the entire game and the new questions every time the game is played.

Thus, Applicants submit that independent claims 1 and 8 are allowable over NTN, Walker, Weitz, Junkin, and Crockett. Further, dependent claims 2-7 and 9-14 are submitted to be allowable over NTN, Walker, Weitz, Junkin, and Crockett in the same manner, because they are dependent on independent claims 1, and 8, respectively, and thus contain all the limitations of the independent claims. In addition, dependent claims 2-7 and 9-14 recite additional novel elements not shown by NTN, Walker, Weitz, Junkin, and Crockett.

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JUL 20 2007

Serial No. 10/687,474

VI. CONCLUSION

In view of the above, it is submitted that this application is now in good order for allowance and such allowance is respectfully solicited. Should the Examiner believe minor matters still remain that can be resolved in a telephone interview, the Examiner is urged to call Applicants' undersigned attorney.

Respectfully submitted,

Date: July 20, 2007

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